100TH CONGRESS
2d Session

SENATE

EXEC. REPT.
100-21

AMENDMENT TO THE STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

JULY 28, 1988.—Ordered to be printed

Mr. PELL, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany Treaty Doc. 99-7]

The Committee on Foreign Relations, to which was referred an amendment to paragraph A.1 of Article VI of the Statute of the International Atomic Energy Agency, as amended, relating to the composition of the Board of Governors, which was approved by the Agency's General Conference on September 27, 1984, having considered the same, reports favorably thereon without amendment and recommends that the Senate give its advice and consent to ratification thereof.

PURPOSE

The amendment will increase, from nine to ten, the members of the International Atomic Energy Agency (IAEA) designated for a seat on its Board of Governors by virtue of their status as most advanced in the technology of atomic energy without regard to geographical distribution. This amendment will ensure that another country represented on the Board will not lose its seat in view of the People's Republic of China's occupancy of its seat.

BACKGROUND

This amendment to paragraph A.1 of Article VI of the Statute of the International Atomic Energy Agency, as amended (8 UST 1093, TIAS 3873; 276 UNTS 3, 24 UST 1637; TIAS 7668), was approved by the General Conference of the IAEA on September 27, 1984, after the Board had unanimously recommended it on June 6, 1984. The United States co-sponsored the proposed amendment in the Board of Governors and supported it in the general conference.

Currently the IAEA's Statute provides that each outgoing Board of Governors designates for board membership the nine members

S384-7

of the agency most advanced in the technology of atomic energy (the "globally most advanced nations") (Art. VI (A)(I)) as well as the member most advanced in any of eight geographical regions for which there is no globally most advanced board member. Art. VI (A)(1), The Agency's General Conference then elects 22 additional members to the board—half each year for 2-year terms—on the basis of a further geographical formula. Art. VI (A)(2).

This amendment was prompted largely by the admission of the People's Republic of China to the agency on January 1, 1984. Expansion of the number of globally most advanced seats on the board from nine to ten will avoid displacing any other nations holding a seat by board designation on the basis of this non-regional qualification, thus preserving the balance of the Board of Governors and protecting important U.S. interests.

Article VI of the statute has been amended twice before—both times increasing the board's size—to accommodate the changing composition of the IAEA and the capabilities of its members in 1963, to provide two additional elected seats for the Africa and Middle East area; in 1973, by expanding the number of globally most advanced members from five to nine, and the number of elected members from 12 to 22.

COMMITTEE ACTION

On June 28, 1988, the committe held a hearing on Treaty Document 99–7. Testimony was received from the Honorable Frederick M. Bernthal, Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State. Mr. Bernthal was accompanied by Mr. Ronald J. Bettauer, Assistant Legal Adviser for International Claims and Investment Disputes, Department of State; and Mr. Richard J. Stratford, Deputy Assistant Secretary for Nuclear Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

The committee considered this amendment at its business meeting on July 13, 1988, and voted, by voice vote, to report it favorably to the Senate for its advice and consent.

ENTRY INTO FORCE

In accordance with Article XVIII, paragraph C, of the Statute of the IAEA, the amendment will come into force when two-thirds of the members have deposited instruments of acceptance. At this time, 58 members have accepted the amendment; 76 acceptances are required.

TEXT OF RESOLUTION OF RATIFICATION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of an amendment to paragraph A.1 of Article VI of the Statute of the International Atomic Energy Agency, as amended, relating to the composition of the Board of Governors, which was approved by the Agency's General Conference on September 27, 1984.

○